

E-Filed On 12/8/06

NOEJ
SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No. 000776
PAUL R. CONNAGHAN, ESQ.
Nevada Bar No. 003229
DEANER, DEANER, SCANN, MALAN & LARSEN
720 South Fourth Street, Suite #300
Las Vegas, Nevada 89101 (702) 382-6911
Attorneys for Binford Medical Developers, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:)
USA COMMERCIAL MORTGAGE)
COMPANY,)
Debtor)

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:)
USA CAPITAL REALTY ADVISORS, LLC.)
Debtor)

Chapter 11
Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:)
USA CAPITAL DIVERSIFIED TRUST)
DEED FUND, LLC.)
Debtor)

**NOTICE OF ENTRY OF ORDER GRANTING
EX-PARTE MOTION FOR ORDER
SHORTENING TIME TO HEAR MOTION TO
TEMPORARILY ALLOW CLAIM OF
BINFORD MEDICAL DEVELOPERS, LLC FOR
VOTING PURPOSES**

In re:)
USA CAPITAL FIRST TRUST)
DEED FUND, LLC.)
Debtor)

Affects:
DUSA Commercial Mortgage Company
OUSA Capital Diversified Trust Deed Fund, LLC
OUSA Capital First Trust Deed Fund, LLC
OUSA Securities, LLC
OUSA Realty Advisors, LLC
☐ All Debtors

In re:)
USA SECURITIES, LLC.)
Debtor)

**Date of Hearing: 12/15/2006
Time of Hearing: 9:30 a.m.**

PLEASE TAKE NOTICE that on the 7th day of December, 2006, an Order Granting Ex Parte Motion for Order Shortening Time to Hear Motion to Temporarily Allow Claim of Binford Medical Developers, LLC for Voting Purposes, to be heard on **DECEMBER 15, 2006** at the

///

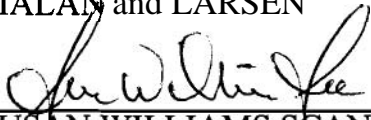
///

1 hour of **9:30 a.m.** was entered upon the above entitled Court's docket. A copy of said Order is
2 attached hereto.

3 DATED this 8th day of December, 2006.

4 Respectfully Submitted,
5 DEANER, DEANER, SCANN,
6 MALAN and LARSEN

7 By:


8 **SUSAN WILLIAMS SCANN, ESQ.**
9 Nevada Bar No. 000776
10 **PAUL R. CONNAGHAN, ESQ.**
11 Nevada Bar No. 003229
12 720 South Fourth Street, Suite 300
13 Las Vegas, Nevada 89101
14 Attorneys for Plaintiff
15 Binford Medical Developers, LLC

16 **CERTIFICATE OF MAILING**

17 I hereby certify that service of the above and foregoing **NOTICE OF ENTRY OF**
18 **ORDER GRANTING EX PARTE ORDER SHORTENING TIME TO HEAR MOTION TO**
19 **TEMPORARILY ALLOW CLAIM OF BINFORD MEDICAL DEVELOPERS, LLC FOR**
20 **VOTING PURPOSES** was made this 8th day of December, 2006, by depositing a copy of the
21 same in the United States mail in Las Vegas, Nevada, postage-prepaid, addressed to the following:

22 **DEBTOR AND COUNSEL**

23 Annette W. Jarvis
24 Ray Quinney & Nebeker P.C.
25 36 South State Street, Suite 1400
26 P.O. Box 45385
27 Salt Lake City, Utah 84145-0385

28 Lenard E. Schwartzer
Jeanette E. McPherson
Schwartz & McPherson Law Firm
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308

USA Commercial Mortgage
USA Capital Realty Advisors, LLC
USA Capital Diversified Trust Deed Fund, LLC
USA Capital First Trust Deed Fund, LLC
USA Securities, LLC
Thomas J. Allison
4484 South Pecos Road
Las Vegas, NV 89121

1 OFFICE OF THE U.S. TRUSTEE
 2 600 Las Vegas Blvd., South,
 3 Ste. 4300
 Las Vegas, NV 89101

Adib M. Al-Awar
 1330 Burro Ct
 Gardnerville, NV 89140

4 Byrne E. Falke, Sr.
 P. O. Box 3774
 5 Incline Village, NV 89450

Everett H. Johnson
 P. O. Box 3605
 Incline Village, NV 89450

6 August J. Amaral
 P. O. Box 70097
 7 Reno, NV 89570

Byrne E. Falke, Sr.
 P. O. Box 3774
 Incline Village, NV 89450

8 Susan M. Jones
 2116 Sand Point Rd
 9 Discovery Bay, CA 94514

Peter Bogart
 P. O. Box 3663
 Incline Village, NV

10 Allen K. Forbes
 335 Brande Way
 Carson City, NV 89704

Stewart Karlinsky
 55 Hallmark Circle
 Menlo Park, CA 94025

12 4510 E. Thousand Oaks Blvd.
 Thousand Oaks, CA 91362

Michael T. Bridges
 4235 Citrus Circle
 Yorba Linda, CA 92886

14 Edward C. Fraser
 14220 Sorrel Lane
 15 Reno, NV 89511

Marcia J. Knox
 1885 Vintners Place
 Reno, NV 89509

16 William E. Buck
 P. O. Box 5127
 Reno, NV 89513

Paul L. Garcell
 2013 Grouse Street
 Las Vegas, NV 89134

18 Ryan Kurlinski
 4335 Glen Lytle Road
 Pittsburgh, PA 15217

Sher Ciaramitaro
 10 Robinsdale Rd.
 Martinez, CA 94553

19 James Paul Goode
 20 300 John Thomas Lane
 Reno, NV 89513

Terry Markwell
 12765 Silver Wolf Rd.
 Reno, NV 89511

21 Garth Neal Clifford
 22 1648 Warrington Dr.
 Henderson, NV 89052

Roberta K. Hatfield
 2747 Crown Ridge Drive
 Las Vegas, NV 89134

23 C/O FIRST SAVINGS BANK
 24 2605 East Flamingo Road
 Las Vegas, NV 89121

C/O CHUCK HEINFUCHS
 198 E. Pajaro
 Newbury Park, CA 91320

25 JOHN H. WARNER, JR.
 2048 North Chettro Trail
 26 St. George, UT 84770

Mary E. and Matthew J. Moro, JTWROS
 1009 8" Street
 Manhattan Beach, CA 90266

1 RICHARD G. WOULDSTRA REVOCABLE
2 TRUST
3 RICHARD G. WOULDSTRA, TTWW
4 P. O. Box 530025
5 Henderson, NV 89053

6 JERRY T. MCGIMSEY
7 3115 South El Camino Rd.
8 Las Vegas, NV 89146

9 ROBERT G. WORTHEN
10 1112 Worthen Circle
11 Las Vegas, NV 89145

12 THOMAS C. LAWYER FAMILY TRUST
13 45 Ventana Canyon Drive
14 Las Vegas, NV 89113

15 CHARLES O. NICHOLS and FLORA A. NICOLS
16 2561 Seascape Drive
17 Las Vegas, NV 89128

18 FERTITA ENTERPRISES, INC.
19 2960 W. Sahara Ave., Suite 200
20 Las Vegas, NV 89102

21 WILLIAM J. BULLARD
22 FERTITA ENTERPRISES, INC.
23 P. O. Box 27555
24 Las Vegas, NV 89126

25 DENNIS FLIER, INC. DEFINED BENEFIT
26 TRUST
27 20155 Porto Vita Way #1803
28 Aventura, FL 33180

JAMES W. MCCOLLUM and
PAMELA P. MCCOLLUM
1011 F. Avenue
Coronado, CA 92118

C/O EDWARD W. HOMFELD
858 Bishop Road
Grosse Pointe Park, MI 48230

WEN BALDWIN SEPARATE PROPERTY
TRUST
365 Dooley Drive
Henderson, NV 89015

RICHARD HOROWITZ
5 Fir Drive
Kingspoint, NY 11024

KATZ 2000 SEPARATE PROPERTY TRUST
SARA M. KATZ, MANAGING TRUSTEE
4250 Executive Square, #670
San Diego, CA 92037

MARJAN RUTAR
4043 Chalfont Court
Las Vegas, NV 89121

ROBERT H. MANSFIELD
3611 Victory Avenue
Las Vegas, NV 89121

HELMS HOMES, LLC
C/O TERRY HELMS
809 Upland Blvd.
Las Vegas, NV 89107

TERRY HELMS LIVING TRUST
809 Upland Blvd.
Las Vegas, NV 89107

ARTHUR POLACHECK and
GLORIANNE POLACHECK
2056 Wooklake Circle
Deerfield Beach, FL 33442

HOMFELD II, LLC
777 South Federal Highway
Suite -409
Pompano Beach, FL 33062

NEVADA MORTGAGE LENDING DIVISION
ATTN: SUSAN ECKHARDT
3075 East Flamingo #100
Las Vegas, NV 89121

1 U. S. SECURITIES AND EXCHANGE
2 COMMISSION
3 ATTN: SANDRA W. LAVIGNA
4 5670 Wilshire Blvd., 11th Floor
5 Los Angeles, CA 90036-3648

6 DEPARTMENT OF EMPLOYMENT TRAINING
7 EMPLOYMENT SEC. DIV., CONTRIBUTIONS
8 500 East Third Street
9 Carson City, NV 89713-0030

10 EMPLOYERS INSURANCE CO. OF NV
11 ATTN: BANKRUPTCY DESK
12 9790 Gateway Drive
13 Reno, NV 89521-5906

14 INTERNAL REVENUE SERVICE
15 ATTN: BANKRUPTCY DEPT.
16 Stop 5028 110 City Parkway
17 Las Vegas, NV 89106

18 NV DEPARTMENT OF TAXATION
19 REVENUE DIVISION
20 Capitol Complex
21 Carson City, NV 89701-0003

22 U. S. ATTORNEY
23 DISTRICT OF NEVADA
24 323 Las Vegas Blvd., So., #5000
25 Las Vegas, NV 89101

26 DISTRICT COUNSEL
27 INTERNAL REVENUE SERVICE
28 110 City Parkway
Las Vegas, NV 89106

FHA/HUD
300 Las Vegas Blvd., #2900
Las Vegas, NV 89101

CLARK COUNTY TREASURER
C/O BANKRUPTCY CLERK
P. O. Box 551220
Las Vegas, NV 89155-1220

DON TOMLIN
C/O DAVID W. MOUNIER
15316 Sky High Road
Escondido, CA 92055

PENSION BENEFIT GUARANTY
CORPORATION
OFFICE OF THE CHIEF COUNSEL
1200 K. Street, N.W.
Washington, D.C. 20005-4026

DMV AND PUBLIC SAFETY RECORDS
SECTION
555 Wright Way
Carson City, NV 89711-0250

NV DEPT. OF TAXATION
BANKRUPTCY DIVISION
555 East Washington, #1300
Las Vegas, NV 89101

SECRETARY OF STATE
STATE OF NEVADA
202 North Carson Street
Carson City, NV 89701

OFFICE OF LABOR COMMISSIONER
555 East Washington Ave., Suite 4100
Las Vegas, NV 89101

UNITED STATES DEPT. OF JUSTICE
TAX-DIVISION-WESTERN REGION
P. O. Box 683-Ben Franklin Station
Washington, D.C. 20044

Internal Revenue Service
Ogden, UT 84201

DEPT. OF VETERANS AFFAIRS
LOAN SERVICE AND CLAIMS
3225 North Central
Phoenix, AZ 85012

CLARK COUNTY ASSESSOR
C/O BANKRUPTCY CLERK
P. O. Box 551401
Las Vegas, NV 89155-1401

MARYETTA BOWMAN
534 Enchanted Lakes Drive
Henderson, NV 89052

1 EDWARD W. HOMFELD
2 HOMFELD II LLC
3 777 South Federal Highway, Suite -409
4 Pompano Beach, FL 33062

5 RJ ROCCO
6 12617 Cottageville Lane
7 Keller, TX 76248

8 JANNY CATHAIUNA BROUWER
9 2533 Kinnard Avenue
10 Henderson, NV 89074

11 MICHAEL R. SHULER
12 C/O JAY R. EATON
13 Eaton & O'Leary, PLLC
14 115 Grove Avenue
15 Phoenix, AZ 86301

16 MARTIN B. WEISS, ESQ.
17 The Garrett Group, LLC
18 One Better World Circle, Suite 300
19 Temecula, CA 92590

20 VINCE DANELIAN
21 C/O EDWARD J. HANIGAN, ESQ.
22 199 N. Arroyo Grande Blvd., #200
23 Henderson, NV 89074

24 PAUL & DONNA JACQUES
25 810 SE 7th Street, A103
26 Deerfield Beach, FL 33441

27 SEAN NAJARIAN, ESQ.
28 The Najarian Law Firm
283 S. Lake Avenue, Suite 205
Pasadena, CA 91101

NILE LEATHAM
JAMES B. MACROBBIE
Kolesar & Leatham, CHTD
3320 W. Sahara Ave., Ste., 380
Las Vegas, NV 89102

GILBERT B. WEISMAN
Becket and Lee LLP
P. O. Box 3001
Malvern, PA 19355-0701

RICHARD MCKNIGHT, ESQ.
Law Offices of Richard McKnight
330 S. Third Street, #900
Las Vegas, NV 89101

MARGIE GANDOLFO
1724 Arrow Wood Drive
Reno, NV 89521

ROBERT R. KINAS, ESQ.
JENNIFER L. MCBEE, ESQ.
Snell & Wilmer, LLP
3800 Howard Hughes Pkwy., #1000
Las Vegas, NV 89109

JANET L. CHUBB, ESQ.
Jones Vargas
100 West Liberty Street, 12th Floor
P. O. Box 281
Reno, NV 89504-0281

ATTILA JEFZENSZKY
1720 Colavita Way
Reno, NV 89521

WILLIAM L. MCGIMSEY, ESQ.
601 East Charleston Blvd.
Las Vegas, NV 89104

PETER BOLINO
17412 Serene Drive
Morgan Hill, CA 95037

SCOTT D. FLEMING
Hale Lane Peek Dennison and Howard
3930 Howard Hughes Parkway, 4th Floor
Las Vegas, NV 89169

LAUREL E. DAVIS
Lionel Sawyer & Collins
1700 Bank of America Plaza
300 S. Fourth Street
Las Vegas, NV 89101

CARYN S. TIJSSELING
Beesley, Peck & Matteoni, LTD
5011 Meadowood Mall Way, #300
Reno, NV 89502

1 NICHOLAS J. SANTORO, ESQ.
2 400 S. Fourth Street, 3rd Floor
3 Las Vegas, NV 89101

4 BRADLEY J. STEVENS
5 Robbins & Green, P.A.
6 3300 North Central Avenue, Suite 1800
7 Phoenix, AZ 85012

8 GERALD M. GORDON, ESQ.
9 THOMAS H. FELL, ESQ.
10 Gordon & Silver, Ltd.
11 3960 Howard Hughes Parkway, 9th Floor
12 Las Vegas, NV 89109

13 JEFFREY G. SLOANE, ESQ.
14 REGINA M. MCCONNELL, ESQ
15 Kravitz, Schnitzer, Sloane, Johnson & Eberhardy,
16 Chtd.
17 1389 Galleria Drive., Ste, 200
18 Henderson, NV 89014

19 RICHARD MASON
20 PATRICIA K. SMOOTS
21 MICHAEL M. SCHMAHL
22 McGuire Woods, LLP
23 77 West Wacker Drive., Ste., 4100
24 Chicago, IL 60601

25 PETER SUSI
26 JAY L. MICHAELSON
27 Michaelson, Susi & Michaelson
28 Seven West Gigueroa St., 2nd Floor
Santa Barbara, CA 93101-3191

BAY COMMUNITIES
C/O CHRIS EL
4800 No. Federal Highway, Suite A205
Boca Raton, FL 33431

MATTHEW Q. CALLISTER
Callister & Reynolds
823 Las Vegas Boulevard South
Las Vegas, NV 89101

JED A. HART
Angelo, Gordon & Co.
245 Park Avenue, 26th Floor
New York, NY 10167

CICI CUNNINGHAM, ESQ.
JAMES A. KOHL, ESQ.
CHRISTINE ROBERTS, ESQ.
Rawlings, Olson, Cannon, Gormley & Desruisseaux
9950 W. Cheyenne Avenue
Las Vegas, NV 89129

FRANKLIN C. ADAMS
Best Best & Kriefer, LLP
3750 University Ave.
P. O. Box 1028
Riverside, CA 92502-1028

KEVIN B. CHRISTENSEN
XANNA R. HARDMAN
7440 W. Sahara Ave.
Las Vegas, NV 89117

DONALD T. POLEDNAK, ESQ.
7371 Prairie Falcon, Ste., 120
Las Vegas, NV 89128

JOAN C. WRIGHT
Allison, Mackenzie, Russell, Pavlakis,
Wright & Fagan, Ltd.
402 North Division Street
P. O. Box 646
Carson City, NV 89702

ERVEN T. NELSON
Bolick & Boyer
6060 W. Elton Avenue, Ste., A
Las Vegas, NV 89107

ANDREW WELCHER
C/O NORDMAN COMPANY
HAIR & COMPTON LLP
ATTN: WILLIAM E. WINFIELD, ESQ.
1000 Town Center Drive, 6th Floor
Oxnard, CA 93031

1 ROBERT VERCHOTA, GENERAL PARTNER
2 R & N REAL ESTATE INVESTMENTS, LP
3 C/O JEFFREY A. COGAN
3990 Vegas Drive
Las Vegas, NV 89108

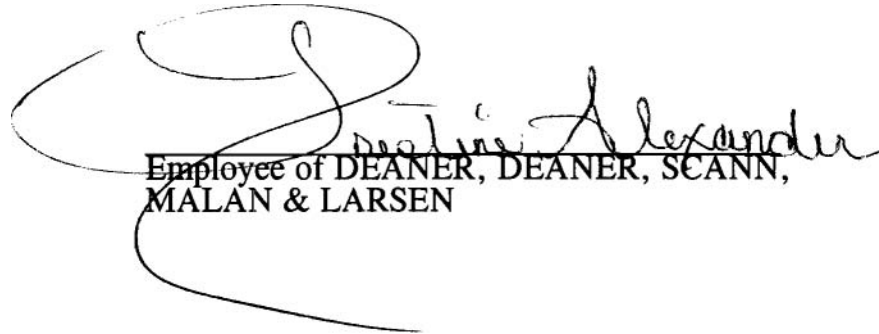
LAW OFFICES OF JAMES G. SCHWARTZ
JOSHUA D. BRYSK, ESQ.
7901 Stoneridge Drive, Suite 401
Pleasanton, CA 94588

4 SCOTT K. CANEPA, ESQ.
5 Canepa, Reidy & Rubing
851 S. Rampart Blvd., #160
6 Las Vegas, NV 89145

JOHN F. MURTHA
Woodburn & Wedge
Sierra Plaza 6100 Neil Road, Ste., 500
P. O. Box 2311
Reno, NV 89505

7 THOMAS W. STILLEY
8 Sussman Shank LLP
1000 SW Broadway, Ste., 1400
9 Portland, OR 97205-3089

SYLVESTER & POLEDNAK, LTD.
JEFFREY R. SYLVESTER, ESQ.
7371 Prairie Falcon, #120
Las Vegas, NV 89128

10
11 
12 Employee of DEANER, DEANER, SCANN,
MALAN & LARSEN
13
14

15 F:\OFFICE\CLIENTS\Binford Medical Developers, LLC\DOCS\NOE OST Temp Allow Claim for voting purposes.wpd
16
17
18
19
20
21
22
23
24
25
26
27
28



Entered on Docket
December 07, 2006

Linda B. Riegle

Hon. Linda B. Riegle
United States Bankruptcy Judge

DEANER, DEANER, SCANN, MALAN & LARSEN
720 South Fourth Street, Suite 300
Las Vegas, Nevada 89101

Telephone (702) 382-6911 - Facsimile (702) 366-0854

ORDER
SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No. **000776**
PAUL R. CONNAGHAN, ESQ.
Nevada Bar No. **003229**
DEANER, DEANER, SCANN,
MALAN & LARSEN
720 South Fourth Street, Suite #300
Las Vegas, Nevada **89101**
(702) 382-6911
Attorneys for **Binford Medical Developers, LLC**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
Debtor

Case No. **BK-S-06-10725** LBR
Case No. **BK-S-06-10726** LBR
Case No. **BK-S-06-10727** LBR
Case No. **BK-S-06-10728** LBR
Case No. **BK-S-06-10729** LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC.
Debtor

Chapter 11
Jointly Administered Under

In re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC.
Debtor

ORDER GRANTING EX PARTE MOTION
FOR ORDER SHORTENING TIME TO HEAR
MOTION TO TEMPORARILY ALLOW CLAIM
OF **BINFORD MEDICAL DEVELOPERS, LLC**
FOR VOTING **SES**

Date of Hearing: December 15, 2006
Time of Hearing: **9:30 A.M.**

In re:
USA CAPITAL FIRST TRUST
DEED FUND, LLC.
Debtor

Affects:
☒ USA Commercial Mortgage Company
OUSA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC

In re: OUSA Securities, LLC
 OUSA Realty Advisors, LLC
 USA SECURITIES, LLC. }
 Debtor }

**ORDER GRANTING EX PARTE MOTION FOR ORDER SHORTENING
 TIME TO HEAR MOTION TO TEMPORARILY ALLOW CLAIM OF
 BINFORD MEDICAL DEVELOPERS, LLC FOR VOTING PURPOSES**

TO: ALL PARTIES IN INTEREST

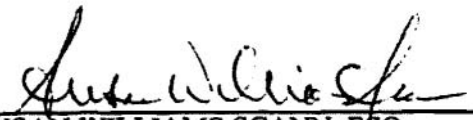
PLEASE TAKE NOTICE that upon an Ex Parte Motion for An Order Shortening Time to Hear Motion to Temporarily Allow Claim of Binford Medical Developers, LLC for Voting Purposes, and good cause appearing, the Court finds that there is a situation which justifies shortening the time for hearing, and it is

ORDERED that the hearing on the Motion to Temporarily Allow Claim of Binford Medical Developers, LLC For Voting Purposes will be heard before a United States Bankruptcy Judge in the Foley Federal Building, 300 Las Vegas Blvd., South, Third Floor, Courtroom #1, Las Vegas, Nevada, on December 15, 2006 at the hour of 9:30 a.m.\ p.m.

A copy of the filed Motion may be obtained by accessing BMC Group, Inc.'s website at www.bmcgroup.com/usame, by accessing PACER through the United States Bankruptcy Court website for Nevada at www.nvb.uscourts.gov, by contacting BMC Group at telephone: (888) 909-0100.

Submitted by:

DEANER, DEANER, SCANN,
 MALAN & LARSEN

By 
 SUSAN WILLIAMS SCANN, ESQ.
 Nevada Bar No. 000776
 720 South Fourth Street, Suite 300
 Las Vegas, Nevada 89101
 Attorney for Binford Medical Developers, LLC

DEANER, DEANER, SCANN, MALAN & LARSEN
 720 South Fourth Street, Suite 300
 Las Vegas, Nevada 89101
 Telephone (702) 382-6911 • Facsimile (702) 366-0854